

by the mayors, supported by the county commissioners, supported by people all across America—Republicans and Democrats—and supported by the President of the United States.

It is pretty obvious we are not going to be able to move it quickly in the Senate because people are using the rules to frustrate efforts. That is the way it works. I do not fault that. I think we may have done that in the past a time or two.

This is something where there is broad bipartisan support. We would like to complete it this week. If we can get cloture, we may be able to complete it this week.

So I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Don Nickles, Connie Mack, Trent Lott, Thad Cochran, Alfonse D'Amato, Al Simpson, Strom Thurmond, Pete Domenici, Ted Stevens, Bill Cohen, Christopher S. Bond, Frank Murkowski, Jesse Helms, Spencer Abraham, Bob Smith, Larry E. Craig, Mike DeWine, and Bill Frist.

Mr. BYRD. Mr. President, will the leader yield?

Mr. DOLE. I will be happy to yield.

Mr. BYRD. May I say to my friend, I was not aware until just now, in listening to the distinguished leader's comments, that there was any necessity for a cloture motion to be entered. I did not realize that there was a filibuster occurring.

Mr. DOLE. I began to realize it, if I may say to my friend. I can just see maybe the beginning of one.

Mr. BYRD. I thought progress was being made on the bill. It seems to me that the Senate was working its will.

Mr. DOLE. If the Senator will yield, I might say to my good friend from West Virginia, I have indicated to the Democratic leader that if we can reach some agreement—I do not disagree with the Senator from West Virginia totally. I will withdraw the motion if we can agree on limited amendments so we at least have some finite number of amendments, hopefully germane amendments. But not having that, and looking at the fact that my colleagues on the other side would like to have a retreat on Friday of this week, I would like to be accommodating, but I do not know how we can accommodate that request unless we make some progress on what is a bill that enjoys strong bipartisan support.

Mr. BYRD. Is there a list of amendments? I have not seen any list. I heard there might be a list of amendments, so I suggested that I have three. I may not call up any of them. So I thought we were making progress.

Mr. DOLE. It may be progress, depending on how it is defined. I have not checked Webster's lately. But it would be slow progress if it is progress. But it is my hope we can put a list together, with staff working on each side, and submit a copy of that to the Democratic leader and also the Senator from West Virginia, and others who have an interest, and see if we can reach some agreement on a list of amendments. If it is going to be 40, 50, or 60, probably half are nongermane. I hope in the interest of expediency, we will have support for the vote of cloture, which would eliminate all the nongermane amendments.

Mr. BYRD. Mr. President, this kind of underlines everything I was saying earlier today and last Friday and Thursday. What is all this big hurry? Here we are, this is the 17th of January, and why can we not be legislators and take time to understand what is in a bill? I was seeking to have the committees provide committee reports, and it was mainly for that reason that I took the floor and complained that the minority in both committees had been denied that opportunity to have reports in which they could file views, individual views and minority views. Now that has been accomplished.

I say, therefore, that the distinguished leader has done, what he has every right to do—he is the leader and he has introduced a cloture motion. But it seems to me that the Senate is now beginning to work its will, now that it has had access to the committee reports, and I do not know what all the rush is. What is there that is coming behind this measure?

Mr. DOLE. I think the Senator from West Virginia may have some inkling. There may be—I would not suggest that, but I know, knowing the Senator from West Virginia is a master of the game, and I say that in a complimentary way—he knows that a balanced budget amendment may be somewhere on the horizon. And I assume that the further away the better for the Senator from West Virginia. And one way to keep it at a distance is not to rush through anything else that may be on the Senate floor.

I am not suggesting that might motivate the Senator from West Virginia, but it is something that has occurred to me a few times, and I had the same problem on this side of the aisle.

Mr. BYRD. But it is my understanding that the balanced budget amendment has not yet been reported out of the Judiciary Committee.

Mr. DOLE. But we hope it may be by the time we complete action on this bill. We will be coming in later tomorrow morning to accommodate the Judiciary Committee. And we may adjourn in the afternoon to accommodate the Judiciary Committee.

Mr. BYRD. Well, as I said earlier, I may vote for this unfunded mandates bill. I probably will. I do not know yet. I still want to study it some, and may offer an amendment or so. But I am a

little bit surprised that the leader is implying that a filibuster has been going on.

Mr. DOLE. I say to my friend, I do not think there is a filibuster in the real sense. We have not had a real filibuster, as the Senator said the other day, around here for years. I think I would know a real one if one occurred.

It seemed to me, with the broad support we have for this unfunded mandates bill, it is not only filed because of what the leader may consider delay, but also to avoid a lot of nongermane amendments. We went through that turkey shoot last week and the week before.

So it seems to me that one way to talk about unfunded mandates and germane amendments to unfunded mandates is to get cloture and 30 or 40 of those amendments will disappear. We can have the debate the Senator from West Virginia wants. If necessary, I would be willing to see—we can extend the 30 hours by consent. I am not trying to shut anything off, but I would like to eliminate some of these nongermane amendments.

Mr. BYRD. Mr. President, if the majority leader will yield, of course the majority leader knows as well as I do that there is no rule on germaneness in the Senate except with respect, in a small way, to appropriations bills. But this cloture motion just underlines what I said earlier, that there is an effort to ram this bill through, an effort to steamroll it through.

It seems to me that a good legislator would seek to know what is in a bill. I am just trying to play the part of what I think a good legislator ought to do. A good legislator ought to try to understand what is in a bill. And we have been deprived, to a degree, of knowing earlier what was in this bill; having the benefit of a committee report as an explanation of what is in the bill. We were deprived of that, not through my fault, not through anybody's fault on this side of the aisle, but actually against the wishes of certain Senators on this side of the aisle who are on those committees.

A good legislator, it seems to me, would want to know what is in a bill. He would want access to a committee report. I have been in legislative bodies now going on my 49th year and I have found it beneficial to have committee reports. I think the American people want their legislators to know what is in a bill. We owe that to the American people.

So the distinguished majority leader has the right to offer a cloture motion. He is the leader. If he thinks that there is a slowdown here and if he thinks that necessity requires that we have a cloture vote on this bill and then limit it to nongermane amendments, that is his right. Senators from time to time offer cloture motions when there is no filibuster. Their sole objective is to create a situation in which there will not be nongermane amendments.